

Title III	
BMI no.:	HLC 511-12 E
Amendment no.:	10
Date offered:	6/10/96
Disposition:	adopted
V. L. C. V. S.	

~~SUBSTITUTE~~ AMENDMENT OFFERED BY MR.

GANSKE

Substitute
TO THE AMENDMENT OFFERED BY MR. Silvickis

At the appropriate place, insert the following:

1 SEC. ____ APPLICATION OF PRUDENT LAYPERSON AND
2 GAG RULE RESTRICTIONS.

3 Section 1903(m) (42 U.S.C. **1396b(m)**) is amended
4 by adding at the end the following:

5 “(____)(A)(i) Each contract with a health mainte-
6 nance organization under this subsection shall require the
7 organization-

8 “(I) to provide coverage for emergency services
9 (as **defined** in subparagraph (B)) without regard to
10 prior authorization or the emergency care provider’s
11 contractual relationship with the organization, and

12 “(II) to comply with guidelines established
13 under section 1852(d)(2) (respecting coordination of
14 post-stabilization care) in the same manner as such
15 guidelines apply to **MedicarePlus** plans offered under
16 part C of title XVIII.

17 “(B) In subparagraph (A)(i)(I), the term ‘emergency
18 services’ means, with respect to an individual enrolled with
19 an organization, covered inpatient **and** outpatient services
20 that—

1 condition or disease, regardless of whether benefits for
2 such care or treatment are provided under the plan, if the
3 professional is acting **within** the lawful scope of practice.

4 “(B) Subparagraph (A) **shall** not be construed as re-
5 quiring a health maintenance organization to provide, re-
6 imburse for, or provide coverage of a counseling or referral
7 service if the organization:

8 “(i) objects to the provision of such
9 service on moral or religious grounds; and

10 “(ii) in the manner and through the
11 written instrumentalities such organization
12 deems appropriate, makes available infor-
13 mation on its policies regarding such serv-
14 ice to prospective enrollees before or dur-
15 ing **enrollment** and to enrollees within 90
16 days after the date that the plan’s benefit
17 package is **modified** or changed.

18 “(C) Nothing in subparagraph (B) shall be construed
19 to affect disclosure requirements under State law or under
20 the Employee Retirement Income Security Act of 1974.

21 “(D) For purposes of this paragraph, the term
22 ‘health care professional’ means a physician (as defined
23 in section **1861(r)**) or other health **care** professional if cov-
24 erage for the professional’s services is provided under the
25 contract under this subsection for the services of the **pro-**